

## **REMARKS**

### **Status of Claims**

Claims 18, 19, and 21-32 are currently pending in this application.

Claims 18, 19, 21-29, 31, and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Trossen, *et al.* (US 2004/0111476) in view of Rooke *et al.* (US 6,678,361).

Claim 30 is rejected under 35 U.S.C. §103(a) as being unpatentable over Trossen in view of Rooke and further in view of Molne (U.S. Patent No. 6,014,561).

## **REPLY TO THE PRIOR ART REJECTIONS**

### **Rejections under 35 USC 103(a)**

#### **I. Claims 18, 19, 21-29, 31 and 32**

Claims 18, 19, 21-29, 31, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Trossen *et al.* (US 2004/0111476, henceforth Trossen) in view of Rooke *et al.* (US 6,678,361, henceforth Rooke).

The subject-matter of independent claim 18 is non-obvious over Trossen, even in further view of the additional reference Rooke, cited by the Examiner.

According to the subject-matter of independent claim 18, a method for transmitting a useful data object from a switching component to a mobile station is provided, wherein the mobile station selects, with the aid of a selection device assigned to the mobile station, at least one Public Mobile Network (PLMN) in which the useful data object is to be transmitted. The mobile station stores the selection of the at least one PLMN in a

storage unit assigned to the mobile station. The useful data object is transmitted from the switching component to the mobile station when it is determined that the mobile station is registered in the at least one selected PLMN, and it is determined that the switching component has a delivery request for the useful data object.

One advantage of the subject-matter of claim 18 is that the user may be protected from paying extensive roaming fees for data usage when in a Visited PLMN by the user selecting his or her Home PLMN (and/or other PLMNs) for transmission of useful data objects by using a selection unit provided by the user's mobile station itself, and by storing this selection in a memory of the mobile station, the claimed method thus creating a user-friendly, individual and cost-effective option for transmitting useful data objects for the user.

Trossen discloses *inter alia* a method for transmitting a multimedia message from a sending entity to a recipient that allows senders and recipients control over the delivery of the multimedia message by defining rules to which delivery of the multimedia message is subject, which means that the transmitting network entity can deliver the media content of the multimedia message to the recipients based upon the preferences of the respective recipients, e.g. delivery of multimedia messages when the respective recipient is connected to one of a limited number of networks. (cf. Trossen, paragraphs 7, 9, and 32)

However, as stated by the Examiner, Trossen fails to disclose that the mobile station selects at least one PLMN in which the useful data object is to be transmitted with the aid of a selection device assigned to the mobile station.

Moreover, the recipient rules according to Trossen are transmitted to and stored in the rule processor or some other network entity associated with the messaging service center MMSC, like user databases, the Home Location Register HLR, the message store or a so-called profile database (cf. Trossen, paragraph 36 and Figure 1, reference numbers 150 and 160). Thus, according to Trossen, the delivery of media content is managed with

rules specified by the recipient with the help of the messaging server MMSC (and/or an associated rule processor) that both are network entities.

In contrast thereto, according to independent claim 18, the mobile station stores the selection of the at least one PLMN in a storage unit assigned to the mobile station, whereas Trossen fails to disclose that the rules according to which media content is to be transmitted including a selection of a network in which the media content is to be transmitted is stored in a storage unit provided by the mobile station.

Trossen does neither give a hint to a skilled person to create a user-friendly, individual and cost-effective option for transmitting useful data objects for the user by providing a selection device assigned to the mobile station for enabling the user to select at least one PLMN in which the useful data object is to be transmitted, nor by providing a storage unit assigned to the mobile station for storing the user's selection of the at least one PLMN without the need of messaging between the user's mobile station and the MMSC.

Thus, the subject-matter of claim 18 as presently pending is non-obvious over Trossen.

Rooke also fails to cure the deficiencies of Trossen. In particular, Rooke discloses a method for delivering messages in a communication network consisting of at least one terminal and a messaging functionality MMSC. In detail, the MMSC of Rooke sends a notification message to the terminal about the presence of a message, whereupon the terminal decides about how to handle said message due to its capabilities and the current user profile (cf. Rooke, Abstract and col. 2, lines 4-15). According to Rooke, these terminal capabilities and the user profile can be stored in the messaging server MMSC or in the terminal itself (cf. Rooke, col. 5, lines 14-16, and col. 5, line 64 – col. 6, 1).

However, the terminal capabilities according to Rooke include the available storage capacity, a display type and a keyboard type of the terminal, codes supported by the terminal, an electrical connection of the terminal to other devices, an external accessory attachment to the terminal (cf. Rooke, col. 1, lines 37-44, and col. 4, lines 43-48), while

the user profile created by the user himself, thereby resulting in special additional restrictions, may include types of messages that the user wants to be stored in the MMSC, that he wants to be forwarded to an internet address or to be discarded, these user-defined restrictions being based e.g. on the size of the multimedia message to be transmitted, the content-type or the sender (cf. Rooke, col. 1, lines 45-53).

Reasons named for implementing the method for deciding about the deliverance of messages on the basis of the terminal capabilities and the user profile provided by Rooke, are to prevent uncontrolled transmission of multimedia messages from the MMSC to the terminal, which can cause serious problems due to a lack of capabilities of the terminal to receive, store, process or display the message (cf. Rooke, col. 1, lines 54-64).

However, Rooke does neither disclose nor suggest neither that the mobile station selects, with the aid of a selection device assigned to the mobile station, at least one PLMN in which the useful data object is to be transmitted, nor that the mobile station stores this selection of the at least one PLMN in a storage unit assigned to the mobile station, as according to the subject-matter of claim 18.

Rooke discloses that in response to a notification message that a multimedia message has been sent to a recipient, the terminal and/or user decides how to handle the delivery of the multimedia message based on the result of user input. However, the part of the document cited by the Examiner, i.e. col. 7, lines 19-32, together with Figure 2, describes exactly and solely this proceeding of the terminal checking its capabilities and the user profile and then deciding on whether the message is to be transmitted, forwarded or discarded, but does not teach or suggest that a selection device assigned to the mobile station is provided, as stated by the Examiner.

Rooke thus discloses the concept of a user defining if a multimedia message is to be transmitted through user input in order to prevent uncontrolled transmission of multimedia messages from the MMSC to the terminal, thus preventing serious problems due to a lack of capabilities of the terminal, but does neither give a hint to a skilled

person to create a user-friendly, individual and cost-effective option for transmitting useful data objects for the user by providing a selection device assigned to the mobile station for enabling the user to select at least one PLMN in which the useful data object is to be transmitted, nor by providing a storage unit assigned to the mobile station for storing the user's selection of the at least one PLMN, as according to claim 18.

For the reasons given above, the subject-matter of claim 18 is non-obvious over Trossen, even in view of Rooke. The same argumentation is valid for the subject-matter of claim 32, claiming a device for a useful data object.

Based on the arguments stated above, the subject-matters of independent claim 18 and independent claim 32 are new and non-obvious over Trossen and Rooke. Claims 19, 21-29, and 31 are directly or indirectly dependent on the independent claim 18 and recite further limitations. Thus, the subject-matter of these claims is believed to be new and inventive over the cited prior art for at least the same reasons.

In view of the foregoing, reconsideration and/or allowance of claims 18, 19, 21-29, 31, and 32 are solicited.

## II. Claim 30

Claim 30 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Trossen in view of Rooke, as applied to claim 29, and further in view of Molne (U.S. Patent No. 6,014,561, henceforth Molne).

The subject-matter of dependent claim 30 is non-obvious over Trossen in view of Rooke, as applied to claim 29, even in further view of the additional reference Molne, cited by the Examiner.

Molne also fails to cure the deficiencies of Trossen as pointed out with respect to independent claim 18. In particular, Molne discloses a method and apparatus for over the air-activation of a multiple mode/band radio telephone, the method in detail including the steps of generating a message including instructions and predetermined activation information for a first mode/band of operation and a second mode/band of operation, sending the message over the air from a communications network to the handset to activate the handset for operation in both modes/bands of operation, and storing the activation information in a selected memory area (cf. Molne, col. 3, lines 10-20).

According to Molne, a home System Identification number SID for each of the two modes/bands of operation is stored in a memory location (e.g. a SIM card) of the handset (cf. Molne, Fig. 4, steps 116 and 111c) as part of the activation information being sent from the communications network to the handset and being stored in a memory area of the handset. However, Molne does not disclose selecting a PLMN in which a useful data object is to be transmitted with the aid of a selection device assigned to the mobile station, as according to claim 18.

Additionally, according to Molne, the communications network sending the message including the activation information to the handset, does so without receiving a delivery request from the handset, thus not providing or suggesting a method for transmitting a useful data object from a switching component to a mobile station wherein the useful data object is transmitted from the switching component to the mobile station when it is determined that the mobile station is registered in the selected PLMN and it is determined that the switching component has a delivery request for the useful data object, as claimed in claim 18.

Thus, even if a skilled person was to combine Trossen, Rooke and Molne, he would not get to create a user-friendly, individual and cost-effective option for transmitting useful data objects for the user by providing a selection device assigned to the mobile station for enabling the user to select at least one PLMN in which the useful data object is to be transmitted, nor by providing a storage unit assigned to the mobile station for storing the

user's selection of the at least one PLMN, as according to claim 18, as Molne is not even dealing with the transmission of a multimedia message from a switching component to a mobile station based on user-defined conditions.

For the reasons given above, the subject-matter of claim 18 is novel and non-obvious over Trossen, even in view of Rooke and in further view of Molne. Claim 30 is indirectly dependent on claim 18 and recites further limitations. Thus, the subject-matter of this claim is believed to be new and non-obvious over the cited prior art for at least the same reasons.

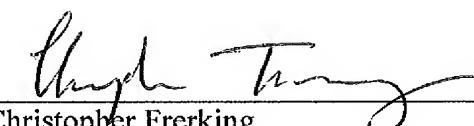
In view of the foregoing, reconsideration and/or allowance of claim 30 is solicited.

Conclusion

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and allowance of the pending claims.

Dated: June 25, 2010

Respectfully Submitted,

By   
Christopher Frerking  
Reg. No: 42,557

Viering, Jentschura & Partner  
3770 Highland Ave.  
Suite 203  
Manhattan Beach, CA 90266  
Phone: (415) 670-9081  
Fax: (617) 849-5451  
vjp-us@vjp.de

Attorney for Applicant